

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RICARDO WALKER, on behalf of himself
and all others similarly situated,
Plaintiff,**

v.

**SAM'S OYSTER HOUSE, LLC,
Defendant.**

CIVIL ACTION

NO. 18-193

ORDER

AND NOW, this 17th day of September, 2018, upon consideration of Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant [sic] to Rule 12(b)(1) (Document No. 6, filed May 9, 2018) and Plaintiff's Memorandum of Law in Opposition To Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 8, filed June 15, 2018), for the reasons set forth in the attached Memorandum dated September 17, 2018, **IT IS ORDERED** that Defendant's Motion to Dismiss Plaintiff's Amended Complaint is **GRANTED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that plaintiff is granted leave to file a second amended complaint within twenty (20) days of the date of this Order if warranted by the facts and applicable law as set forth in the attached Memorandum.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.